

Town of Milan Comprehensive Plan**3. Course Changes for Milan**Chapter Highlights:

If we are to protect our environmental resources—our water and wetlands, forested slopes, open space and scenic vistas—Milan must enact strong new environmental regulations and zoning changes. Under current zoning, rapid growth and increasing population density promote development patterns that threaten to create sprawl. The CP endorses current zoning that encourages compact development in Milan's small hamlets and recommends a new zoning concept -- planned purpose development -- to further the availability of senior and affordable housing, and the development of traditional walking neighborhoods. The CP also recommends creating a rural space overlay zone to require large-lot zoning with conservation subdivisions across the remaining rural residential landscape of Milan.



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A. Introduction

Today the Town of Milan is faced with the dilemma of rapid and accelerating growth and land development, and the need to protect the town's natural resources and preserve its rural character. After careful study and analysis of modern techniques for managing growth and avoiding sprawl, the CPB recommends a number of initiatives and new zoning concepts, tailored specifically for Milan, that we believe will enable the Town to manage growth while maintaining our rural character. The proposed CPB initiatives will provide a diversity of housing opportunities and will permit reasonable residential growth and the development of small-scale commercial activity. The concepts discussed below are discussed more fully in later chapters.

B. Environmental Protection Regulations

The Comprehensive Plan Board endorses a science-based approach to the location of development in Town in a way that protects our environmental resources. We believe that doing so complements our ability to maintain the rural character so important to Milan citizens. (Recommendations regarding the protection of natural resources will be detailed in that chapter.) Two concepts new to Milan are important to mention here. First, the development of a comprehensive natural resource inventory will provide the scientific basis for the Conservation Advisory Council (CAC) to contribute to the Planning Board's subdivision and site plan review processes. The CAC will be able to better assess the environmental constraints of land proposed for development, particularly when clustering or conservation subdivisions are proposed. This provides another tool to aid in the protection of sensitive environmental or natural resources.

Second, the CPB recommends adoption of critical environmental areas, a concept enabled under the NYS Environmental Quality Review Act. When adopted through local resolutions, critical environmental area designations provide that special consideration be given to designated areas when development that could affect them is proposed.

C. New Zoning Concepts

The CPB recommends three new concepts to address the problems of traditional zoning practices and to provide more flexibility and direction to future development. Each will require further study to prepare and adopt new regulations.

1) Add a zoning classification for Planned Purpose Developments (PPDs) for three specific uses:

- senior living
- affordable housing
- mixed-use traditional neighborhoods focused in the historical hamlets.

Planned Purpose Developments can work to the mutual benefit of the Town, the residents, and a proposed sponsor. Today in Milan, however, no provisions in our zoning regulations provide the flexibility to reasonably accommodate such potential land uses. As proposed, Planned Purpose Developments would take effect only when a landowner, in concert with a developer, proposes one of the three planned uses listed above on one or more properties; the proposal must then meet with the Town's approval. Absent an initiative by a landowner to pursue a Planned Purpose Development, existing zoning remains in effect; the landowner's rights are in no way curtailed.

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Under the concept of the Planned Purpose Development, the normal zoning regulations, while available as a guide, can be modified for purposes of greater design flexibility to meet the needs of the Town, the affected residents and the developer. Because of the importance of such developments to the Town, the CPB recommends that they be reviewed and recommended by the Planning Board for approval by the Town Board. Enabling legislation for the three types of Planned Purpose Development should incorporate criteria for consideration by the Planning Board and the Town Board in reviewing specific applications.

2) Create a Rural Space Overlay Zone to further limit the development of large undeveloped parcels. We recommend that all residentially zoned parcels of more than 20 acres, except those in the hamlet districts, be assigned to the overlay zone if not otherwise protected. Parcels in the proposed Rural Space Overlay Zone can still be subdivided with one subdivision for each 10 acres. The rural space overlay zone is intended to protect our environmental resources, avoid sprawl, and maintain the rural residential character of the Town.

The CPB proposes an overlay zone rather than simply rezoning to larger parcels throughout town. An overlay zone means we do not need to change our underlying zoning. It also protects small landowners' use of their property and allows them to subdivide for family members or other uses. Rather than focus large lot zoning in one area of town, the entire town benefits by maintaining some of the existing open space across town.

By creating a Rural Space Overlay Zone, the Town can also balance the compact development pattern in the two hamlet areas with limited density in most of the rest of the Town. This zoning provision, when coupled with conservation subdivisions, discussed below, will provide powerful tools to protect the natural resources and the rural character of the town, while also reducing the potential build-out and future density of Milan.

3) Incentive or bonus zoning is another concept that provides a tool for the Town to accomplish its objectives to provide housing for moderate-income families or for senior citizens. Incentive zoning allows large developers to have greater density on the property (consistent with good design and environmental constraints) in exchange for providing some units that can be sold or rented at a reduced cost. The CPB recommends that the Planning Board be given the authority to grant incentive zoning to developers proposing major subdivisions. In such cases, an agreed number of smaller or less expensive additional units (e.g., 10–20% of the total units) are built, with preference for buying or renting such properties going to municipal employees or to senior residents. Controls on future rents or sales prices can also be established.

These new zoning regulations can work together to form an integrated land-use management approach for the Town. For example, some property could fall in more than one zoning district –e.g. a hamlet district and a planned purpose development. When a developer agrees to meet the Town's specific objectives for a planned purpose development - senior or affordable housing, or creation of a traditional walking neighborhood -- the Town could relax appropriate zoning requirements that prevent such development under today's zoning.

Land use management has seen many innovations recently as communities strive to establish and protect their visions and goals. Regulations are developed to encourage new opportunities and to defend against new threats. The CPB recommends the Town be open to new and innovative land use practices to promote the goals of the Comprehensive Plan.

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The CPB recommends that the Town Board pass zoning and subdivision regulations that will require developers to protect our environmental resources and rural landscape through the use of conservation subdivisions. Under New York State law, conservation subdivisions are a form of clustering. The goal of a conservation subdivision is to site the development in ways that retain valued natural features of the land. Today, conservation subdivisions can be required by the Planning Board; they should be required for all development proposals in the proposed Rural Space Overlay Zone. Setting clear environmental standards in our Comprehensive Plan, Town regulations and Planning Board procedures will expedite the application process for developers who further the vision of Milan and plan their subdivisions accordingly.

E. Density Planning Guidelines

The Comprehensive Plan Board recommends that the Town establish a density benchmark as a guide for future planning and assessment of the effectiveness of the tools outlined. The U.S. Census can provide only an imperfect measure of the Town's actual developed status, since approximately 20% of the Town's population (weekenders and part-time residents) is recorded elsewhere in the census. If we are to use the Census as a measure of density, it would seem prudent to adopt a density benchmark of 120 people per square mile, about twice the population recorded in the 2000 census. The real population, in terms of housing developed, would bring the total population, including those not counted in the Milan census, to approximately 150 per square mile. Workshop feedback has strongly endorsed keeping the level below 150, including all housed populations, to preserve the natural resources and rural character of Milan. This density benchmark is intended only as a planning guideline. It is neither practical nor legal to legislate population size. Having a population benchmark in mind, however, can be useful for examining the effectiveness of zoning and land use decisions over time, and can inform future changes to the comprehensive plan.

F. Summary

This Comprehensive Plan is intended to serve the interests of all the citizens of Milan. The CPB developed these recommendations with the public's input in the plan process as well as from research into trends and conditions that exist today. Keeping Milan rural is the central priority of Milan's citizens, which relates very closely to the need to protect our environmental resources and open space.

To accomplish these, the CP proposes limiting development on large rural properties in Milan. The resulting large lots will be of high value, and will also pay relatively higher taxes for our schools and local governments, potentially reducing the relative burden on landowners with smaller properties. The plan also reflects residents' desire to live in a diverse community and for our current residents and their children to have an opportunity to be able to find and afford housing in Milan. Town government does not have the authority to control market prices, and today large lots are no longer affordable for many of the town's residents. Without large lots, however, we will sacrifice our rural residential character and the landscape that makes Milan unique and valued by its citizens. To balance this, therefore, it is imperative that the Town provide some small lot and multifamily housing that is affordable for people of moderate income. We believe this plan, when implemented, will provide the tools to make these goals possible.